

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Francis W. Daly Jr.	Attorney Docket No.	543-99-036 (HOOO-1-1126)
Serial No.:	10/823,951	Group Art Unit:	2857
Filing Date:	April 13, 2004	Examiner:	Gutierrez, Anthony
Title:	WEATHER INCIDENT PREDICTION		

REPLY BRIEF

TO THE COMMISSIONER OF PATENTS:

The Appellant hereby submits this Reply Brief to the Board of Appeals and Interferences in accordance with 37 C.F.R. § 41.41(a) in response to the Examiner's Answer issued by Examiner Anthony Gutierrez on April 16, 2008.

I. STATUS OF THE CLAIMS

Claims 1 and 3-38 are pending and stand rejected. Claim 2 is canceled.

Claims 1, 3-34 and 36-38 are appealed.

Claim 35 is now objected to.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3-34, and 36-38 are rejected under 35 U.S.C. § 103(a) as being obvious over US Patent 5,974,360 to Otsuka, et al., in view of US Patent 5,615,118 to Frank, and further in view of US Patent 5,077,558 to Kuntman.

III. ARGUMENTS

A. General Comments Applicable to the Examiner's Answer

The Examiner's Answer does not appear to assert new grounds of rejection. However, in the event that new grounds of rejection have been asserted in the Examiner's Answer, mailed on April 16, 2008, Applicant respectfully requests that the Appeal be maintained.

B. Supplemental Comments Regarding Rejection of Claim 38

The basis of rejection of Claim 38 is articulated in the Examiner's Answer mailed April 16, 2008. Because independent Claim 29 is allowable over the cited art of record, dependent Claim 38 (which depends from independent Claim 29) is allowable for at least the reason that dependent Claim 38 contains all limitations of independent Claim 29.

C. Allowability of Claim 35

The Examiner's Answer, mailed on April 16, 2008, at page 13, states that "the Examiner does not maintain his grounds of rejection for claim 35." Accordingly, Claim 35 would be allowable if amended into independent claim format to include all of the limitations of its respective base Claim 29. However, Applicant has not amended Claim 35 into independent claim format because the Applicant believes that the parent Claim 29 is allowable over the cited art.

Respectfully submitted,

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